

Chapter 2

RESEARCH MODEL, QUESTIONS, OBJECTIVES AND METHODS

2.1 Introduction

The research reporting on findings of race or class bias in the juvenile justice system have been contradictory and often not comparable in terms of sampling and measurement issues. This state of affairs stems, in part, from the complicated nature of the juvenile justice system, as well as jurisdictional variations in procedures, rules, and reporting. The implication of this for the study of disproportionate minority confinement in Kentucky suggests that future research utilize a triangulated methodology rather than either a quantitative or qualitative model. Both are needed to ensure a most accurate analysis and uncovering of bias in the system. As a result, this study adopted the triangulation approach of several simultaneous methods designed to collect information in a way that provided clarity of analysis and confirmation of data. The methods include in-depth interviews, document analysis, and quantitative analysis.

2.2 Significance of the study

The findings and recommendations offered by this research have important implications for the study of disproportionate minority confinement in Kentucky. First, this study confirmed what most researchers have concluded that the statistical existence of disparities and differential treatment at different levels of the juvenile justice system for minority juveniles has multiple causes. Among these causes may be: (1) individual racism, (2) institutional racism, (3) social and economic conditions that confront youth of color, (4) governmental social and economic policies, and (5) the criminal and juvenile justice system policies and procedures. These social factors and social institutions are interdependent and may have a cumulative effect or may exacerbate the cumulative nature of bias in the justice system.

Second, the importance of focusing on multiple stages in the processing of juveniles as the effect of race in the decision-making process may vary at different stages

of processing. The multi-stage approach adopted by this study allowed the study to highlight several issues that are important to understanding the nature of minority disparities. For instance, variations in perceptions and outcomes about the effect of race at different stages of processing helped in identifying: (1) the effect of underlying social conditions, (2) specific points of system weakness in policies and procedures, and (3) the direct and indirect effects of race at different stages of processing.

2.3 Limitations of the Study

There were many limitations of the study. First, the study design was exploratory in nature and was not designed to generalize to the state level. Instead, it was a study of the process within the juvenile justice system and its variations by county within the Commonwealth. A limited number of in-depth interviews were conducted with personnel at major decision-making levels of the juvenile justice system. The individuals selected for interview were identified through discussions with supervisors and managers and were not randomly selected. Attempts were made to include personnel from all levels of the juvenile justice system. However, the lack of randomized selection limits the generalizability of the findings. In addition, only one youth focus group meeting was held. The participants were all males and were already in the juvenile justice system. As a result, variations in perceptions (by race, gender, county and other social and economic characteristics) were not adequately recorded, thus again limiting the ability to generalize to a state level.

Secondly, the research is posed more broadly on the process and not on the category of offender so categories of offender such as status offender, public offender, and youthful offender are not looked at separately. Thirdly, data related and measurement problems arose. These included limitations in the availability of measures, lack of consistency in the type of data collected and standardization of terms used by the various statewide and individual agencies involved, and missing information regarding race/ethnicity and other social and economic characteristics of juveniles and their family. These data related and measurement problems and the time allowed under the terms of

the study, limited the type and number of analysis that the study would like to have conducted.

2.4 Research Questions and Study Objectives

The overall objective of the research was to examine key variables and social conditions that are related to minority overrepresentation within the Commonwealth of Kentucky. The study has sought to accomplish this end through identification and analysis of key stages within the juvenile justice system by a case study of five (5) selected counties, and the analysis of county- level data on juvenile justice outcomes.

Research Questions

The project was designed to answer four (4) research questions:

1. What are the major decision-making points in the juvenile justice process where discretion is used and the possible effect of this on minority overrepresentation?
2. What is the effect of existing programs, policies, and procedures on levels of minority overrepresentation?
3. What are the perceptions and knowledge of the professional staff in the Administrative Office of the Courts, Court Designated Worker Program, Juvenile Justice personnel, and juveniles within the system, about the causes, seriousness, and pervasiveness of minority overrepresentation?
4. What are the characteristics of counties where minority overrepresentation appears to be more serious?

Research Objectives

The four research questions were addressed through the following specific workplan objectives.

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| OBJECTIVE I: | Review studies of Disproportionate Minority Confinement conducted in other States and identify a set of core variables that emerge at major decision-making points in the system and assess the applicability of any policy recommendations for Kentucky. |
| OBJECTIVE II: | Review and assess different approaches that have been implemented to reduce DMC in other States and Jurisdictions. |
| OBJECTIVE III: | Identify correlates of DMC from individual case files in selected |

- counties using information such as a juvenile's race/ethnicity, gender, family economic background, type and level of offenses, history of offenses, and decisions made on detention, diversion, confinement, intervention, and re-integration.
- OBJECTIVE IV: Identify possible explanations for Disproportionate Minority Confinement from juvenile justice personnel currently employed at the major decision-making points in the system within selected Kentucky counties.
- OBJECTIVE V: Identify possible explanations for Disproportionate Minority Confinement from a sample of juveniles, and persons who are part of the decision making process related to referrals (parents, counselors, etc) within selected Kentucky counties.
- OBJECTIVE VI: Conduct an institutional assessment of the juvenile justice system by examining existing policies, procedures and resources specific to each major decision-making point in selected counties.

2.4 Qualitative Methods

Semi-structured interviews

The qualitative aspects of the research plan used semi-structured interviews, reports from focus group meetings, and document review to examine critical decision-making steps in the processing of juveniles. The aim of the semi-structured interviews was to identify from juvenile justice professionals the nature of perceptual issues, procedural issues, and social and demographic issues which affect the intake, adjudication, and disposition of juvenile cases. The analysis of the Juvenile Justice System in Kentucky was conducted on a sample of counties (Christian, Fayette, Grayson, Jefferson, and Mason counties) that represent differing conditions of minority concentration, minority overrepresentation, and different social and economic conditions representative of urban and rural regions of the State.

The data collection in the five selected counties focused on important levels of decision-making in the Juvenile Justice system and among other relevant stakeholders. Three broad stages of intake, adjudication, and disposition within the Juvenile Justice system were used as a heuristic device to organize the investigation into decision-making levels where issues involving bias might be identified. At the initial stage, **Intake**,

juveniles enter the system in several different ways: (1) through being suspected of the commission of an offense, (2) through referral from the school system, (3) through referral by parent (s) or guardians, (4) through referral by a community resident. The intake stage is critical because it is here where decisions are made on whether the juvenile enters further into the justice system or is formally or informally diverted from the system, on how to classify the offence of the juvenile, on the nature of the petition filed on behalf of the juvenile, and on whether the juvenile will be held for pre-trial detention.

During the second stage in the processing of individual juveniles, **Adjudication**, there are both formal and informal diversion alternatives. At this stage decisions are made about continued detention and about the nature and severity of the crime committed. The third stage, **Disposition**, contains decision-making about diversion alternatives, as well as several alternatives in sentencing and methods of confinement for juveniles.

Interviews were conducted with personnel at critical decision-making levels in the juvenile justice system within each of the three broad stages of intake, adjudication, and disposition. This list of personnel included juvenile court judges, prosecuting attorneys, public defenders, juvenile justice service workers and juvenile justice specialists, court designated worker program personnel, law enforcement officers and school district personnel and principals. The sample of individuals who were interviewed were selected through discussion with unit supervisors and based upon characteristics such as length of time in service, race, and gender. At many points, people volunteered for interviews and at other times people were referred to the research team as good prospects for interviews. Judgments had to be made about the number of personnel within each decision-making category which should be interviewed and attempts were made to interview at least three persons in each category.

The interview schedules were designed to elicit information on (i) procedures and activities, (ii) policy and resources, (iii) perceived social and economic characteristics of a juvenile that can affect how a juvenile is treated, processed and in the juvenile's court outcome, (iv) perceived causes of DMC, and (v) suggestions for improvements. The

interview schedules are to be found in the appendix of this report.

Youth Focus Group Meeting

Two youth focus group meetings were originally planned. Members of the Research and Data Committee accepted the responsibility of conducting the meetings with juveniles who were already in the juvenile justice system. For various reasons only one youth focus group meeting was conducted. The meeting was held at one of DJJ's placement centers and eleven juveniles were randomly selected from a total population of 28 members (approximately one out of every three). The meeting was held in a relaxed environment in a recreation room. All the necessary protocols (research and administrative) were used in the organization and conduct of the meeting. The meeting was taped and the transcribed notes given to the project research team for analysis and discussions.

The group of juveniles who participated in the focus group meeting consisted of seven white and four black juveniles. They were all males between the ages of 14 and 17. According to the facilitator's notes, most youth reported that they were in detention due to probation violation or truancy. The juveniles were from three different counties Jefferson, Campbell, and Warren. All of the juveniles came from single-parent households. The focus group meeting centered on six basic questions:

1. What is the purpose of the juvenile justice system (what do you think? Is it helping or hurting?).
2. Do you understand your rights as a juvenile (e.g. when interacting with the police, when involved in court proceedings)?
3. Do you know what part each of these people play (list of personnel categories interviewed in appendix II) in the juvenile justice system?
4. How do you feel these people treated you?
5. What kind of things do you think affected decisions made on your case (list of socio-economic factors in interview schedules, appendix II, section A)?
6. What do you think can be done to make the juvenile justice system operate better?

The group interview had the advantage of being inexpensive, data rich, flexible,

stimulating to respondents, recall aiding, and cumulative and elaborative, over and above individual responses. However, since only one focus group meeting was held, the data collected reflected the views, perceptions and experiences of a few and could not be generalized, nor could what was said be used as factual. The information collected is still important in that it gives useful insights about the juveniles within the system and can be used to inform future research.

2.5 Quantitative Methods

The quantitative aspects of the research plan focused on the analysis of statewide data collected by state agencies connected to the system of juvenile justice. This data helped to isolate some of the social, economic, and demographic data that provide the dynamics underlying the disproportionate confinement of minorities. This analysis used several statistical techniques to interrogate the data including crosstabulations, correlational analysis, and logistic regression to help determine what variables are most important and to determine the relative contribution of each variable to measures of racial differences in juvenile justice outcomes.

Two data sets from different state agencies were used in the analysis. Similar variables and statistical models were used for each data set but different kinds of questions were asked. The questions asked focused on two levels: the county level and the case (individual) level.

The official measurement of Disproportionate Minority Confinement requires that the racial proportion in any category of interest be computed as a ratio of each group in the population and then multiplied by 1000. The low numbers of juvenile and especially black and minority juveniles make this a problem for the analysis of separate counties in Kentucky. The quality of data and the preliminary nature of this research project lend itself to more direct and intuitive measures of racial disparities. The dependent variables in the study are measured as follows:

Eligibility for Diversion is the number of each racial group eligible for diversion divided by the number complaints filed on members of each racial group and multiplied by 100.

Successful Diversions are the number in each racial group successful at diversion divided by the number of each group eligible for diversions.

Pre-trial Detention is measured as the number of each racial group detained prior to court hearing divided by the number of complaints filed on members of each racial group and multiplied by 100.

Department of Juvenile Justice Placements is created by coding the 20 categories used by DJJ into four categories: (1) Home consisting of those youth returned home to parents, relatives, independent living, and family friends, (2) Detention consisting of those youth placed in private child care, juvenile detention, youth centers, group homes, county jails or prisons, and boot camp, (3) Treatment consisting of those youth placed in assessment centers, substance abuse facilities, psychiatric facilities, medical hospitals, and day treatment centers, and (4) Other consisting of youth placed in detention alternatives, other facilities, and emergency shelters.

Severity of Offense measures are created by coding offenses into either misdemeanor or felony offenses.

Type of Offense measures are created by coding offenses into person, property, drug, and public order offenses as defined by the Federal Bureau of Investigation Uniform Crime Reports.

Analysis at the Intake Stage

The data made available from the Court Designated Worker program of the Administrative Office of the Courts contain information at the county level on the number of complaints filed, the number of referrals, the number eligible for diversion, the number of successful diversions, the types of diversion terms, and the number placed in pre-trial detention for each county of Kentucky. A second data file from the 2000 Census, combined with data from the Federal Bureau of Investigation Uniform Crime Reports, allowed for the correlation of county characteristics with the diversion data. We used both data sets to analyze at the case level whether county characteristics such as minority concentration, poverty rate, serious crime rate, and female headed household

affect county level outcome variables.

This data allowed the research to ask the followings questions about Kentucky Counties.

1. What are the variations in the level of racial differences among the 120 counties of Kentucky?
2. What counties display the most evidence of racial differences?
3. How do the characteristics of counties affect racial differences in diversion outcomes?

Analysis at the Adjudication and Disposition Stages

The data available from the Department of Juvenile Justice consist of case level data on individuals within counties. The file is aggregated by county that allows the access of county differences in the degree of minority overrepresentation. A second data file from the 2000 Census, combined with data from the Federal Bureau of Investigation Uniform Crime Reports, allowed for the correlation of county characteristics with the commitment and confinement data, and for the correlation of county level characteristics with individual outcomes by race and gender. We also sampled for a second file at the individual case level to analyze whether individual characteristics such as family background, severity of charges and types of charge affect the county level outcome variables. Secondly, we examined how the outcomes of interest are mediated by the characteristics of the County. This data allowed the research to pose the following research questions:

1. What are the variations in the level of racial differences at each stage of the juvenile justice processing?
2. What are the case-level characteristics (of individuals) that contribute to racial differences at each stage in juvenile justice processing?
3. How do the characteristics of counties affect racial differences in adjudication and placement outcomes?